IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2771 OF 2005

LAVINA MAKHIJA & ANR. .. PETITIONERS

Versus

MHADA & ORS. .. RESPONDENTS

Mr. K. Kharawala i/b R.K. Associates for petitioners

Mr. Vishal Phal, AGP for R-1 to 3

Mr.S.I. Memon for R-5.

CORAM:-SMT. RANJANA DESAI &

A. S. OKA, JJ.

DATED:-19/11/2005

P.C.

. The petitioners had filed Writ Petition No. 1149 of 2004, raising similar contentions. It was disposed of on 8/6/2004. While disposing of the petition this court observed that if the petitioners make representation to respondent 1 i.e. Maharashtra Housing & Area Development Board ("MHADA" for short) respondent 1 should dispose it of after hearing the developer i.e. respondent 5 therein within a period of eight weeks.

2. It appears that the only grievance of the petitioners was that respondent 5 i.e. the developer was asking for additional amounts from the petitioners. We find that as per the order dated 8/6/04 the petitioners' representation has been considered by the MHADA. They have been communicated the consideration by letter dated 18th June, 2005. Second paragraph of the said letter reads as under:

"The Respondent i.e. the N.O.C. Holder M/s. Vipro Finvest Pvt. Ltd. shall not demand additional amounts from the Petitioner viz. M/s. Pappilons. M/s. Pappilons shall vacate their existing premises within 7 days positively from the date of alloting alternative temporary accommodation by M/s. Vipro Finvest Pvt. Ltd."

3. Therefore, the petitioners' grievance that additional amounts are being demanded by respondent 5 developer has been considered. Respondent 5 is directed not to ask for additional amount. Hence no case is made out for entertaining this petiton.

4. The learned counsel for the petitioners states

that the accommodation which is being offered to the petitioners is not suitable. He submitted that a butcher's shop is situated next to the accommodation which is being offered to them and that some illegal activities like prostitution are going on in the nearby area. The learned counsel for respondent 5 denies this.

5. Petition is rejected.

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(SMT. RANJANA DESAI,J.)

(A. S. OKA, J.)